REMARKS

In the Final Office Action dated August 26, 2004, the Examiner rejected Claims 37 and 46-49 under 35 U.S.C. § 103 as being unpatentable over Freeman, Jr. et al. in view of Dang and rejected Claims 1-36, 38-45, and 50-56 under 35 U.S.C. §103 as being unpatentable over Freeman, Jr. et al. in view of Dang and further in view of Young and McCarthy.

Applicants would like to draw the Examiner's attention that the present invention was first conceived and reduced to practice with reasonable due diligence prior to October 2000, which is the effective date of Young and McCarthy article. Thus, Young and McCarthy article is not available as a prior art reference for the rejection of Claims 1-36, 38-45, and 50-56 under 35 U.S.C. §103. Applicants hereby submit a Declaration under 37 C.F.R. §1.131 by the inventors to establish invention of the subject matter of the rejected Claims prior to the effective date of the Young and McCarthy article, accompanied by copies of supporting documents as shown in Exhibits #1-26.

Applicants also submit that none of these patent documents alone or in combination teach or suggest all of the elements of the claimed invention, including the ancillary medical procedures, and there is no motivation to combine these patent documents. For example, Freeman, Jr. et al. describes a cooperative healthcare system having a bank, a provider or physician group, an insurance company, and a cooperative management service. Dang describes a computer-implemented method for profiling medical claims to assist health care managers. Clearly, there is no motivation or suggestion to combine such disparate teachings in these patent documents to somehow by improper hindsight arrive at the claimed invention, and each of these alone, and in combination, fails to teach or suggest the claimed invention. Therefore, Applicants further respectfully submit that the claimed invention is novel, non-obvious, and defines over the cited art.

In commenting upon the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the references and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any

implied limitations in the claims. Not all of the distinctions between the prior art and Applicant's present invention have been made by Applicant. For the foregoing reasons, Applicant reserves the right to submit additional evidence showing the distinctions between Applicant's invention to be nonobvious in view of the prior art.

The foregoing remarks are intended to assist the Examiner in re-examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention that render it patentable, being only examples of certain advantageous features and differences that Applicant's attorney chooses to mention at this time.

CONCLUSION

In view of the above remarks, Applicants submit that the present invention is in condition for allowance. As such, the issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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